

**Foxborough Planning Board
Meeting Minutes
July 24, 2014
Boyden Library**

Members Present: Kevin Weinfeld, William Grieder, Gordon Greene, Gary Whitehouse

Members Absent: John Rhoads, Ron Bressé

Also Present: Planner Sharon Wason, Staff Planner Gaby Jordan

**7:05 p.m. Public Hearing – Revision of Foxborough Planning Board Rules & Regulations
Forms and Fee Schedule for FY15**

A motion to open the Public Hearing and to waive the reading of the notice was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 4-0-0.

Ms. Wason explained that the application for Special Permits has been updated to add a line for the Town Clerk's office to sign off on the application. She stated that the Fee Schedule for FY15 has also been update. The inspection fees now have a minimum charge as well as a missed appointment charge. Fees were also added for Extension of Permit requests.

There were no public comments.

A motion to close the Public Hearing was made by Mr. Grieder and seconded by Mr. Weinfeld. The motion carried 4-0-0.

A motion to adopt the FY15 Fee Schedule as presented was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 4-0-0.

Ms. Wason noted that she will also be adding a line to the Accessory Apartment Application for the Town Clerk to sign off.

Planner's Report

Ms. Wason gave the following report:

The contracts for the Payson Road Recreation Complex have all been signed and the Notice to Proceed has been issued. Mr. Pacella will be starting work in mid to late August. A groundbreaking is being planned for August 12, 2014 at 7:00 p.m.; Mr. Keegan and Mr. Grieder will not be available that evening but everyone else can be there. It will be held in the Tot Lot Parking area and refreshments will be served. Postcards will be mailed to the neighborhood and an announcement will be published in the Reporter and the Patch. The Selectmen will be asked to make an announcement at their meeting also.

Ms. Jordan officially became the Staff Planner on July 21, 2014 and Ms. Gray will start full time on August 4, 2014.

The Town Manager has distributed his Goals and Objectives for the coming year and Ms. Wason has developed Goals and Objectives for the Planning Department also. The Board reviewed both documents.

**7:15 p.m. Public Hearing – Special Permit Accessory Apartment – Jeffery & Diane Harris
94 West Street**

Due to the absences of Messrs. Bressé and Rhoads, Mr. Whitehouse was asked to participate in the hearing.

A motion to open the Public Hearing and to waive the reading of the notice was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 4-0-0. Mr. Whitehouse will be voting on this hearing.

Ms. Wason noted that this application is identical to the one received for the hearing on June 26, 2014. That application was not signed by the Town Clerk so the hearing is being held again with the properly signed document.

Mr. Harris showed on the plan how one of the existing bedrooms has been converted to an office with a walk in closet and laundry/mudroom. This still needs to be approved by the Board of Health.

All previous findings and conditions will remain.

There were no comments from the public.

A motion to close the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 4-0-0.

A motion to approve the Accessory Apartment for Jeffery & Diane Harris of 94 West Street with the conditions below was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 4-0-0.

CONDITIONS:

1. This permit is specific to the petitioner. It is not transferable, nor shall it run with the land.
2. Occupancy of the second unit shall be limited to the petitioners' father and mother, Gerald J. and Mary G. Vozzella. This Permit shall expire upon the home being sold or when the petitioner's parent(s) no longer resides in the unit.
3. The kitchen facilities of the accessory apartment shall be removed when the accessory apartment is no longer needed unless the Planning Board determines the facilities (as altered or modified) are incidental and subordinate as an accessory use to a single-family dwelling.
4. This Special Permit shall be recorded at the Registry of Deeds and referenced to the deed of the parcel prior to its taking effect. A copy of the recording information shall be supplied to the Building Commissioner and Planning Office prior to a Building Permit being issued.
5. This Special Permit shall lapse if construction is not commenced within twelve (12) months from the date of approval.

6. Any change(s) from this permit or any of its conditions deemed substantive by any Town official shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s).
7. The number of bedrooms in the existing home shall be reduced by converting a bedroom to an office and converting the walk-in closet to a laundry room and these conversions shall be shown on plans filed with the Building Department. In the event the number of bedrooms on the premises exceeds four, the owners shall make appropriate filings with the Board of Health.

Master Plan Next Steps

Ms. Wason met with Mr. Keegan in regards to the Master Plan. He is concerned with extending the economic development master plan and would prefer it be put out to bid again. An RFP has been prepared with the help of Mr. Grieder and Ms. Wason would like to send this out. It would be for \$56,500 and would result in the completion of the Master Plan that would need to go to Town Meeting for adoption. The draft would be due by May 1, 2015. A design metric and evaluation process would be required to assess the plan implementation process.

Ms. Wason won't know the results of the Route 1 grant until November. She would like to have responses by the first meeting in September and conduct interviews by the end of September.

The Board reviewed the RFP and is agreeable to it and the proposed time table.

Request for confirmation of lot releases in Condgon Circle "Highlawn Farm" subdivision

After this item was put on the agenda the Lot Release Form was found by the developer so no action is necessary by the Board.

Town Hall Update

The Selectmen have decided on a location for the new Town Hall. They voted to keep it in its current location.

The Board discussed this location and how it helps maintain parking for local businesses and is a good location for the transition from the business district to residential.

Informal discussion with engineer William Buckley concerning land on Main Street known as the "Ferguson property" (95 Main Street)

The Board met with Bill Buckley of Bay Colony Group in regards to 95 Main Street also known as the Ferguson Property. Mike and Ray Ferrone of Briarwood Construction would like to purchase the property for a residential subdivision. Mr. Buckley noted that 93 Main Street and the Winslow garage are not part of this property.

The lot has 16 acres and is zoned General Business, which has no residential setback requirements but Mr. Buckley stated that he would comply with R15 Zoning upon the advice of Mr. Casbarra. The wetlands have been flagged and do constrain the site. They have a 50 foot Right of Way to Main Street and would propose 15,000 sq. ft. lots.

This will be a conventional subdivision with two roads. Road A will be 730 feet long and Road B will be 850 feet long. He is showing one lot with frontage that won't actually be built and noted that two of the lots will be large due to wetlands and the 150 foot setback needed for the septic system. They would also be asking for a Special Permit for a Common Driveway to serve lots 15 and 16.

They are currently looking at an onsite septic system as they could not get sewer due to the DEP regulations.

The Board noted that there is property that encroaches on the proposed location of Road B which would have to be addressed with the abutters.

Mr. Buckley also had another option with a shorter Road B that would not go through to Main Street but would require a Special Permit as it would be longer than 800 feet.

The Board discussed the need for the Public Good aspect in order to get the longer road length. Mr. Buckley feels that there would be less impact to the neighbors and less roadway for the town to maintain. The water line could still be looped through the access area and would not be dead ended.

Mr. Grieder feels that this would go against the new bylaw limiting the length of dead end roads.

Mr. Weinfeld feels that the Board has a good relationship with Briarwood and suggested that they offer mitigation in lieu of the longer road as there is not a lot of public good otherwise.

Getting the road length closer to 800 to 1000 feet would be better than the 1500 feet proposed.

The Board discussed the possibility of having the sidewalk looped to Main Street and a stabilized surface for emergency access.

Ms. Wason noted that this proposal is better than having General Business uses in people's back yards.

Mr. Buckley thanked the Board for their input; Briarwood is under agreement to purchase the property and is still in the conceptual stage at this point.

**8:00 p.m. Continued Public Hearing – Site Plan Review
James & Pamela Gibson
14 Mechanic Street**

This application is for a Mixed Use Development under the new Foxborough Center Overlay District. Since the Bylaw has not yet been approved by the Attorney General, this hearing cannot be held until the AG's office approves the bylaw.

A motion to continue the Public Hearing to August 14, 2014 at 7:15 p.m. was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 3-0-0.

8:05 p.m. Request for extension of subdivision approval for "Nantucket Estates"

Atty. John Michelmore has submitted a letter requesting an extension of this subdivision. The subdivision was originally approved in 2006 and extensions were granted in 2008, 2010 and 2012. The current extension expires on October 1, 2014. No work has ever been done on this subdivision. Ms. Wason feels

that the Subdivision Regulations have changed since this subdivision was approved and feels they should come back with a new application. It was noted that the original applicants have passed away.

The Board took no action and would like to meet with Atty. Michelmore at a future meeting before October 1st to discuss this request.

General Business

Ms. Wason noted that the \$50,000 of the \$100,000 bond was returned to Matt Abrams for completed landscaping at Chestnut Green. The certified receipt has been returned. Mr. O'Neil is now requesting return of the remaining \$50,000 but there are requirements that still need to be met. The drainage needs to be certified and they were supposed to be filing annual O& M reports with the Board; nothing has been received since 2006. There is no bond from Mr. King for any of the work remaining to be done.

A letter will be sent that this bond cannot be released until all the work is complete.

Ms. Wason attended the recent ZBA hearing for a 40b called Wyman Estates. They will be in need of engineering assistance to review the traffic, road layout, etc. The Board should review this application at one of the August or September meetings so comments can be forwards to the ZBA.

8:30 p.m. Continued Public Hearing – Preliminary Subdivision “Forge Estates” 204 East Street

The Board met with Atty. Dan Seigenberg and Engineer Shane Oates in regards to the Preliminary Subdivision for Forge Estates at 204 East Street. Atty. Seigenberg noted that details have been added to the plan as requested by the Board. Other forms of development were looked at and they would like to proceed with the Open Space plan due to the feedback received but may file under Innovative Residential Development. They are looking for twelve lots in total.

The Preliminary Plan process is to determine the maximum number of lots which could be created under a conventional plan which in turn determines the maximum allowed in an Open Space plan. The Innovative Residential does not require a Preliminary Plan.

Mr. Oates reviewed the changes to the plan and the details added. He noted that the horizontal construction shows lots 10 and 13 are buildable. He reviewed the preliminary drainage design and noted that LID development guidelines were used.

The roadway is 934 feet long and the two accesses onto East Street are 230 feet apart.

Judy Johnson of the Conservation Commission expressed concerns about the crossing of the riverfront under the Rivers Protection Act and the proposed bridge impact to the riverfront. She also noted that the wetlands delineation is not correct and should be addressed and the bridge abutment is in a 25 foot no-disturb zone.

The Board noted that they are only required to prove that the subdivision could be built but it is not necessarily what will be built.

Bob Boette of the Conservation Commission asked if the Planning Board approves a number of lots is there any way it could be reduced. The Board noted that they will need to go to Conservation with their Open Space plan for their approval.

Atty. Seigenberg noted that they are looking for Preliminary Approval and will still need to file for a Special Permit.

Ms. Wason noted that they have presented Preliminary Plans that far exceed the standards for Preliminary Plans.

Joan Sozio of the Canoe River Aquifer Advisory Committee stated that no plans were submitted to their Committee even though their bylaws require plans be submitted to them.

Leo Flynn of the Canoe River Aquifer Advisory Committee noted that Area of Critical Environmental Concerns (ACEC) standards need to be met. He feels that this project will threaten the sole source aquifer in the area. He feels the developers should take advantage of the input they are receiving.

Colin Browning of 186 East Street stated that he just received a copy of this plan today and would like time to study it and have an environmental scientist look at it. He feels that the proposed road won't work under the ACEC.

Maureen Loible of 184 East Street asked how many river crossings are proposed. They are showing two on this plan, but will only have one on the final plans.

Tom Hunt of 206 East Street had concerns about the width of the road and the access through their easement.

Ms. Sozio also is concerned with spills from motor vehicle accidents on the bridge and the runoff getting into the river.

Mr. Oates noted that the new impervious areas would need to be treated and controlled. They will discharge clean water if maintained twice a year.

Ralph Hunt of 206 East Street had concerns about two vehicles being able to pass on the bridge and road.

Ms. Johnson also questioned if the culvert would be able to handle the weight of vehicles. Mr. Oates noted that a structural engineer would be consulted.

The Board discussed if they have met the standards for the number of lots proposed. The total number may be reduced by the final engineering, Conservation orders or other regulations. This proposal includes eight acres of open space with seven of them being upland.

Mr. Boette asked what plans the Conservation Commission would review. They would file the Open Space plans with one roadway with the commission.

Maria Odler of 186 East Street would like to see less lots as more will affect the water on her lot, it will also harm the aquifer.

Conservation Manager Jane Pierce noted that the resource area of delineation needs to be shown on the plans. Mr. Oates noted that the flags on the site are current.

Mr. Greene explained that the property owner has rights to develop the property under current rules and regulations. The Open Space plan lots need to be proven under a Conventional Subdivision, there is no cost limit in showing how these lots could be developed. The Conservation Commission is saying that they need more information to make a determination if these lots could be developed but they could ultimately reduce the number of lots during the final process. He feels it is improper to ask the developer to come back with a full design for a Preliminary Plan. If they get to the Open Space plan a condition could be included that Conservation, Board of Health and Public Safety all approve the design. The Hunts access to their land cannot be interfered with either, as well as water service access to their property during construction. Mr. Greene advised the developers to reach out to the neighborhood to address their needs.

Jim Loible of 184 East Street is concerned about the river crossing also.

Ms. Wason noted that they could develop a Conventional Subdivision, an Open Space Residential Development, an Innovative Design Plan or a 40b project. The septic system would be more intense with a 40b.

A motion to close the Public Hearing was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 3-0-0.

A motion to make a determination that the applicant has satisfied the requirement of the conventional subdivision for twelve lots and allow them to move forward with an Open Space Residential Development plan was made by Mr. Grieder and seconded by Mr. Greene. The motion carried 3-0-0.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Diana Gray

Approved by: William Grieder

Date: 9/12/14